



WACHTEL MISSRY

Steven J. Cohen
Partner
212 909-9505 DIR TEL
212 909-9463 DIR FAX
cohen@wmllp.com

WWW.WMLLP.COM

One Dag Hammarskjold
885 SECOND AVENUE
NEW YORK NY 10017
MAIN TEL 212 909-9500
FACSIMILE 212 371-0320

September 22, 2022

Via ECF and Email

Hon. Edgardo Ramos
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Rachel Weingeist v. Tropix Media & Entertainment, et al.
Civil Action No.: 1:20-CV-00275-ER-SLC

Dear Judge Ramos:

This firm represents Third-Party Defendant Pickled Punk Sublease LLC (“Pickled Punk”) in the above-referenced action. This is the joint report in response to your Honor’s Memo Endorsed Order (Doc. No. 123) regarding the potential consolidation of the instant action with the matter captioned “*Jauretsi Saizarbitoria v. Tropix, Inc. et al.*” Case No.: 1:22-cv-03297-ER.

Pickled Punk, Plaintiff and Third-Party Defendant Rachel Weingeist and Third-Party Defendant Perera & Company LLC all oppose consolidation. Defendants and Third-Party Plaintiffs are in favor of consolidation and have suggested that the parties consider a briefing schedule for a motion to consolidate. Pickled Punk is presently considering a motion to dismiss the Third-Party Complaint and is opposed to any briefing schedule on a motion to consolidate before September 30, 2022, the present deadline for Pickled Punk to respond to the Third-Party Complaint. Defendants and Third-Party Plaintiffs consents to the deferral of the establishment of any briefing schedule on a motion to consolidate, but takes the position that the Court should consider any motion to consolidate prior to consideration of a potential motion to dismiss by Pickled Punk. Pickled Punk does not agree with this position by Defendants and Third-Party Plaintiffs.

Plaintiff and Third-Party Defendant Rachel Weingeist and Third-Party Defendant Perera & Company LLC also oppose any briefing schedule on a motion to consolidate before September 30, 2022, and intend to file an application for a default judgment in the *Saizarbitoria* action prior to that date.

Respectfully submitted,

Steven J. Cohen

cc: All Counsel of Record